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January 30, 2009

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patsy Fonseca
Printed or Typed Name of the Person Signing the Certificate
Patsy Fonseca
Signature
1-30-09
Date of Signature

Re: Inventors: FISCHER, Achim, et al.
Invention: PROCESS FOR PREPARING CYANOPYRIDINES AND
SUITABLE CATALYSTS THEREFOR
Serial No.: 10/566,868 ✓
Examiner: Unknown
Group Art Unit: 1625
Conf. No.: 2230
Our File No.: P01130-US-00 (07538.0510)
Vertellus Ref. No.: RLY-141-US

INFORMATION DISCLOSURE STATEMENT

Applicants presently submit a form PTO/SB/08 identifying patents, publications and other information which may be material to the examination of the above-referenced application ("Application") and in respect to which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56 with this application. Copies of the non-patent references and foreign patent are enclosed as required by 37 C.F.R. § 1.98(a).

Applicants respectfully note that non-patent references 4-7 (NPL4-NPL7) included are copies of official communications from the European Patent Office, the Chinese Patent Office, and the Patent Office of India for sibling applications to the Application. Additionally, Applicants respectfully submit that foreign patents JP 0726092 and IN 138052 as listed on

Commissioner for Patents
January 30, 2009
Page 2

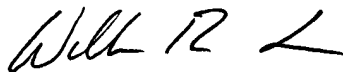
PTO/SB/08 could not be obtained despite attempts at doing so. Verification of the attempt to obtain a copy of these references to provide with this paper, and the inability to do so can be seen in NPL 5. Additionally, NPL5 further states that JP 0726092 and IN 138052 were only cited in NPL4 as corresponding documents to NPL 2 and NPL3, and that the European Examiner did not consult either of these patents. Accordingly, since Applicants have made reasonable efforts to obtain JP 0726092 and IN 138052, and that these patents are of questionable value given the statements of NPL5, Applicants submit that they should not be required

Pursuant to 37 C.F.R. § 1.97(b), this Information Disclosure Statement is being filed before the mailing of a first Office action on the merits.

In the event Applicants inadvertently overlooked the need for any additional petition or payment of additional fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to deposit account 09-0007. Please refer to File No. P01130-US-00 (07538.0510) when making a charge or credit against the deposit account.

Respectfully Submitted,

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Enclosures: Form PTO/SB/08
Copies of Foreign Patents (5)
Copies of Non-Patent Literature (7)